### 2AC Case

[ ] Democratic spread solves war – No other factor is as statistically significant

Valerie Epps, Professor of Law, Suffolk University Law School, Boston, Spring, ’98
4 ILSA J Int'l & Comp L 347

One scholar who has perhaps tried the hardest to separate out other possible influences on conflict is Professor Bruce Russett. Through a series of calibrated tables he has looked at the influence of a variety of factors as well as the fact of democracy itself on conflict. He tests such factors as wealth, economic growth, alliances, contiguity, and military capability ratio. What he finds is that "the effect [of democracy] is continuous, in that the more democratic each member of [any two possible warring states] is, the less likely is conflict between them." n32 He also looks at such variables as political stability, structural/institutional constraints, normative cultural restraints, and even the levels of deaths resulting from political conflict within countries. From his studies he  [\*354]  concludes that: The more democratic are both members of a pair of states, the less likely is it that a militarized dispute will break out between them, and the less likely it is that any disputes that do break out will escalate. This effect will operate independently of other attributes such as the wealth, economic growth, contiguity, alliance or capability ratio of the countries. n33 Russett concludes that the "results do suggest that the spread of democracy in international politics . . . can reduce the frequency of violent conflicts among nations." n34

Democratization is inevitable, there’s only a risk we make countries more peaceful

Mansfield & Snyder, ’95 [Foreign Affairs, Spring, Edward D. Mansfield, Associate Professor of Political Science at Columbia University and Jack Snyder, Professor of Political Science and Director of the Institute of War and Peace Studies at Columbia University]

THOUGH MATURE democratic states have virtually never fought wars against each other, promoting democracy may not promote peace because states are especially war-prone during the transition toward democracy. This does not mean, however, that democratization should be squelched in the interests of peace. Many states are now democratizing or on the verge of it, and stemming that turbulent tide, even if it were desirable, may not be possible. Our statistical tests show that movements toward autocracy, including reversals of democratization, are only somewhat less likely to result in war than democratization itself. Consequently, the task is to draw on an understanding of the process of democratization to keep its unwanted side effects to a minimum. Of course, democratization does not always lead to extreme forms of aggressive nationalism, just as it does not always lead to war. But it makes those outcomes more likely. Cases where states democratized without triggering a nationalist mobilization are particularly interesting, since they may hold clues about how to prevent such unwanted side effects. Among the great powers, the obvious successes were the democratization of Germany and Japan after 1945, due to occupation by liberal democracies and the favorable international setting provided by the Marshall Plan, the Bretton Woods economic system, and the democratic military alliance against the Soviet threat. More recently, numerous Latin American states have democratized without nationalism or war. The recent border skirmishes between Peru and Ecuador, however, coincide with democratizing trends in both states and a nationalist turn in Ecuadorian political discourse. Moreover, all three previous wars between that pair over the past two centuries occurred in periods of partial democratization. In such cases, however, the cure is probably more democracy, not less. In "Wilhelmine Argentina," the Falkland Islands/Malvinas War came when the military junta needed a nationalist victory to stave off pressure for the return of democracy; the arrival of full democracy has produced more pacific policies. Among the East European states, nationalist politics has been unsuccessful in the most fully democratic ones -- Poland, the Czech Republic, and Hungary has protest votes have gone to former communists. Nationalism has figured more prominently in the politics of the less democratic formerly communist states that are nonetheless partially democratizing. States like Turkmenistan that remain outright autocracies have no nationalist mobilization -- indeed no political mobilization of any kind. In those recent cases, in contrast to some of our statistical results, the rule seems to be: go fully democratic, or don't go at all. In any given case, other factors may override the relative bellicosity of democratizing states. These might include the power of the democratizing state, the strength of the potential deterrent coalition of states constraining it, the attractiveness of more peaceful options available to the democratizing state, and the nature of the groups making up its ruling coalition. What is needed is to identify the conditions that lead to relatively peaceful democratization and try to create those circumstances. In the long run, the enlargement of the zone of stable democracy will probably enhance prospects for peace. In the short run, much work remains to be done to minimize the dangers of the turbulent transition.

#### No circumvention and the courts are effective—the executive will consent

Prakash and Ramsay 12, Professors of Law

 [2012, Saikrishna B. Prakash is a David Lurton Massee, Jr. Professor of Law and Sullivan and Cromwell Professor of Law, University of Virginia School of Law., and Michael D. Ramsey is a Professor of Law, University of San Diego School of Law; “The Goldilocks Executive”, Review of THE EXECUTIVE UNBOUND:AFTER THE MADISONIAN REPUBLIC. By Eric A. Posner & Adrian Vermeule, 90 Texas L. Rev. 973, <http://www.texaslrev.com/wp-content/uploads/Prakash-Ramsey-90-TLR-973.pdf>]

The Courts.—The courts constrain the Executive, both because courts are necessary to the Executive imposing punishments and because courts can enforce the Constitution and laws against the Executive. It is true, as Posner and Vermeule say, that courts often operate ex post and that they may defer to executive determinations, especially in sensitive areas such as national security. But these qualifications do not render the courts meaningless as a Madisonian constraint. First, to impose punishment, the Executive must bring a criminal case before a court. If the court, either via jury or by judge, finds for the defendant, the Executive does not suppose that it can nonetheless impose punishment (or even, except in the most extraordinary cases, continue detention). This is so even if the Executive is certain that the court is mistaken and that failure to punish will lead to bad results. As a result, the Executive’s ability to impose its policies upon unwilling actors is sharply limited by the need to secure the cooperation of a constitutionally independent branch, one that many suppose has a built-in dedication to the rule of law.84 And one can hardly say, in the ordinary course, that trials and convictions in court are a mere rubber stamp of Executive Branch conclusions. Second, courts issue injunctions that bar executive action. Although it is not clear whether the President can be enjoined,85 the rest of his branch surely can and thus can be forced to cease actions that judges conclude violate federal law or the Constitution.86 As a practical matter, while courts issue such injunctions infrequently, injunctions would be issued more often if an administration repeatedly ignored the law. Third, courts’ judgments sometimes force the Executive to take action, such as adhering to a court’s reading of a statute in areas related to benefits, administrative process, and even commission delivery. Though the claim in Marbury v. Madison87 that courts could issue writs of mandamus to executive officers was dicta,88 it was subsequently confirmed in Kendall v. United States ex rel. Stokes, 89 a case where a court ordered one executive officer to pay another.90 Finally, there is the extraordinary practice of the Executive enforcing essentially all judgments. The occasions in which the Executive has refused to enforce judgments are so few and far between that they are the stuff of legend. To this day, we do not know whether Andrew Jackson said, “John Marshall has made his decision, now let him enforce it.”91 Lincoln’s disobedience of Chief Justice Taney’s writ of habeas corpus is so familiar because it was so singular. Yet to focus on actual court cases and judgments is to miss the broader influence of the courts. Judicial review of executive action matters because the knowledge of such review affects what the Executive will do. Executives typically do not wish to be sued, meaning that they often will take measures designed to stave off such suits and avoid actions that raise the risk of litigation. The ever-present threat that someone will take a case to court and defeat the Executive acts as a powerful check on executive decision making. The Executive must take account of law, including law defined as what a court will likely order.

#### No circumvention by the executive—ALSO PROVES

Stimson 9

[09/25/09, Cully Stimson is a senior legal fellow at the Heritage Foundation and an instructor at the Naval Justice School former American career appointee at the Pentagon. Stimson was the Deputy Assistant Secretary of Defense for Detainee Affairs, “Punting National Security To The Judiciary”, http://blog.heritage.org/2009/09/25/punting-national-security-to-the-judiciary/]

So what is really going on here? To those of us who have either served in senior policy posts and dealt with these issues on a daily basis, or followed them closely from the outside, it is becoming increasingly clear that this administration is trying to create the appearance of a tough national-security policy regarding the detention of terrorists at Guantanamo, yet allow the courts to make the tough calls on releasing the bad guys. Letting the courts do the dirty work would give the administration plausible cover and distance from the decision-making process. The numbers speak for themselves. Of the 38 detainees whose cases have been adjudicated through the habeas process in federal court in Washington, 30 have been ordered released by civilian judges. That is close to an 80 percent loss rate for the government, which argued for continued detention. Yet, how many of these decisions has this administration appealed, knowing full well that many of those 30 detainees should not in good conscience be let go? The answer: one. Letting the courts do it for him gives the president distance from the unsavory release decisions. It also allows him to state with a straight face, as he did at the Archives speech, “We are not going to release anyone if it would endanger our national security, nor will we release detainees within the United States who endanger the American people.” No, the president won’t release detainees; he’ll sit back and let the courts to do it for him. And the president won’t seek congressional authorization for prolonged detention of the enemy, as he promised, because it will anger his political base on the Left. The ultra-liberals aren’t about to relinquish their “try them or set them free” mantra, even though such a policy threatens to put terrorists back on the battlefield. Moreover, the president would have to spend political capital to win congressional authorization for a prolonged detention policy. Obviously, he would rather spend that capital on other policy priorities. Politically speaking, it is easier to maintain the status quo and let the detainees seek release from federal judges. The passive approach also helps the administration close Gitmo without taking the heat for actually releasing detainees themselves.

### 2AC K

#### Framework—the primary purpose of debate should be to improve our skills as decisionmakers through a discussion of public policy

#### Decisionmaking skills are necessary to decide between individual courses of action that affect us on a daily basis—flexing our muscles in the high-stakes games of public policymaking is necessary to make those individual decisions easier

#### The neg must connect their alternative to policy concerns and institutional practices—absent these questions shifts in knowledge production are useless – governments’ obey institutional logics that exist independently of individuals and constrain decisionmaking

Wight – Professor of IR @ University of Sydney – 6

(Colin, Agents, Structures and International Relations: Politics as Ontology, pgs. 48-50

#### Discussions of structure should precede substance—second generation Guantanamo issues require a more detailed focus on the legal system—student advocacy enables us to make change

Marguiles 11, Professor of Law

[February 9, 2011, Peter Margulies is Professor of Law, Roger Williams University., “The Ivory Tower at Ground Zero: Conflict and Convergence in Legal Education’s Responses to Terrorism”Journal of Legal Education, Vol. 60, p. 373, 2011, Roger Williams Univ. Legal Studies Paper No. 100]

If timidity in the face of government overreaching is the academy’s overarching historical narrative,1 responses to September 11 broke the mold. In what I will call the first generation of Guantánamo issues, members of the legal academy mounted a vigorous campaign against the unilateralism of Bush Administration policies.2 However, the landscape has changed in Guantánamo’s second generation, which started with the Supreme Court’s landmark decision in Boumediene v. Bush,3 affirming detainees’ access to habeas corpus, and continued with the election of Barack Obama. Second generation Guantánamo issues are murkier, without the clarion calls that marked first generation fights. This Article identifies points of substantive and methodological convergence4 in the wake of Boumediene and President Obama’s election. It then addresses the risks in the latter form of convergence. Substantive points of convergence that have emerged include a consensus on the lawfulness of detention of suspected terrorists subject to judicial review5 and a more fragile meeting of the minds on the salutary role of constraints generally and international law in particular. However, the promise of substantive consensus is marred by the peril of a methodological convergence that I call dominant doctrinalism. Too often, law school pedagogy and scholarship squint through the lens of doctrine, inattentive to the way that law works in practice.6 Novel doctrinal developments, such as the president’s power to detain United States citizens or persons apprehended in the United States, get disproportionate attention in casebooks and scholarship. In contrast, developments such as an expansion in criminal and immigration law enforcement that build on settled doctrine get short shrift, even though they have equal or greater real-world consequences. Consumers of pedagogy and scholarship are ill-equipped to make informed assessments or push for necessary changes. If legal academia is to respond adequately to second generation Guantánamo issues, as well as issues raised by any future attacks, it must transcend the fascination with doctrine displayed by both left and right, and bolster its commitment to understanding and changing how law works “on the ground.” To combat dominant doctrinalism and promote positive change, this Article asks for greater attention in three areas. First, law schools should do even more to promote clinical and other courses that give students first-hand experience in advocacy for vulnerable and sometimes unpopular clients, including the need for affirming their clients’ humanity and expanding the venue of advocacy into the court of public opinion.7 Clinical students also often discover with their clients that legal rights matter, although chastened veterans of rights battles like Joe Margulies and Hope Metcalf are correct that victories are provisional and sometimes pyrrhic.8 Second, legal scholarship and education should encourage the study of social phenomena like path dependence—the notion that past choices frame current advocacy strategies, so that lawyers recommending an option must consider the consequences of push-back from that choice. Aggressive Bush Administration lawyers unduly discounted risks flagged by more reflective colleagues on the consequences of push-back from the courts. Similarly, both the new Obama Administration and advocates trying to cope with Guantánamo’s post-Boumediene second generation failed to gauge the probability of push-back from the administration’s early announcement of plans to close the facility within a year. In each case, unexpected but reasonably foreseeable reactions skewed the implementation of legal and policy choices. Students should learn more about these dynamics before they enter the legal arena. Third, teachers need to focus more on ways in which bureaucratic structures affect policy choices. For example, terrorism fears gave conservative politicians like John Ashcroft an opportunity to decimate asylum adjudication, harming many victims of persecution who have been unable to press meritorious claims for refugee status and other forms of relief. Similarly, creation of the Department of Homeland Security turned a vital governmental function like disaster relief into a bureaucratic orphan, thereby paving the way for the inadequate response to Hurricane Katrina. Students need more guidance on what to look for when structure shapes substance.

#### Democracy must be reinfused with liberal ideals – attempts to redefine or reimplement democracy assistance towards different ends cause more intrusion and paralysis

Youngs, Director-General FRIDE, ’11 (Richard- Professor Politics University of Warwick, February 11, “Misunderstanding The Maladies Of Liberal Democracy Promotion” http://www.eurasiareview.com/misunderstanding-the-maladies-of-liberal-democracy-promotion-18022011/)

Reflections on liberalism’s future

Current international political trends are complex and still in flux. History shows that there are no iron laws of democratisation, and dominant political dynamics can prove strikingly changeable. The easy triumphalism of the liberal democracy agenda in the 1990s was misplaced. However, much criticism now risks over-shooting.18 The Bush administration provided an easy dog to kick. But its excessive awfulness skewered the nature of conceptual debate: critical theory has become as lacking in self-reflexivity as the ‘liberal imperialism’ it everywhere sees and excoriates. A nuanced view is warranted of the ‘democracy backlash’.19 We should be attentive to a lack of flexibility in the conceptualisation of democracy. The consideration of a variety of models is necessary and desirable. However, the evidence does not sustain the suggestion that the most serious problem with democracy promotion today is an excess of the ‘liberal’ in liberal democracy. Indeed, in many places quite the reverse is true. The most worrying problem is not practitioners’ lack of willingness to consider varieties of democratic institutions, but the lack of priority attached to advancing core liberal rights. As Western powers decline, this trend is likely to deepen in the future. Liberalism will increasingly be on the back foot. In this sense, those that assume that liberalism is dominant risk lagging behind the policy curve. Dahl’s definition of democracy may be partial and narrow, but can we really not say with confidence that it is better than the authoritarianism that the West is still propping up under the guise of respect for ‘local values’? Moreover, the ‘liberal overdose’ argument is curious to the extent that since the end of the 1990s a central thrust of debate common to development, security and governance circles has been ‘the rediscovery of the state’. The stress on core liberal political norms is today under- not over-played. It continues to be the centrally important area where local reformers look to the international community for support – most commonly, in vain. Deliberations over precise institutional configurations and second-generation reforms are of a lesser order of importance. Michael McFaul observes that some debates about the intricate sequencing of reform and different varieties of institutional pathways look incongruous, as the US can today do little to influence such details, but rather simply back core democratic values.20 Yet it still hesitates to do so, for all the standard commentary on US ‘liberal imperialism’. Liberal internationalism is still de-legitimised by the pervasive assumption that it is concerned primarily with mobilising military force in support of democratic values; it must be made clearer that military power is simply anathema to the standard day-to-day agenda of democracy support. There are different levels of critique, which risk elision. One thing is to argue that Western powers should support core liberal democratic principles, then from this base work to build into their policies a concern with social equality, participation, deliberation and religious identity. It would be entirely convincing to argue that, while democracy promoters have advanced, they could and should be doing more in this direction. But it is quite another thing to suggest that such aims should be supported against or instead of core liberal norms. In practice, what many critics appear to advocate is not a cumulative combination, but a dilution of the liberal component in favour of other forms. They betray a core inconsistency: they dislike democracy promotion for being overly intrusive, but then advocate modifications that would make it more, not less, intrusive. This is because most suggested ‘alternative forms of democracy’ breach the line between process and substantive policy outputs – t

#### The abandonment of western intervention is worse—imperialist structures exists internationally—US foreign policy promotes democratic movements and challenges oppression

Shaw 2, Professor of IR and Politics

[March 2002, Martin Shaw is a Professor of International Relations and Politics at the University of Sussex, “Post-Imperial and Quasi-Imperial: State and Empire in the Global Era”, Millennium - Journal of International Studies, vol. 31 no. 2 327-336, http://mil.sagepub.com/content/31/2/327]

Despite many echoes of classic imperialism in the West’s relationships to the non-West, which I will discuss below, the West’s strength remains the extent of its transcendence of classic imperial relations and forms. As Karl Kautsky suggested, in the only early Marxist assessment of imperialism to half-anticipate current developments, [i]n the event that an accord of nations, disarmament, and lasting peace [between the major capitalist states] is achieved, then the worst of the causes which were increasingly leading to the moral bankruptcy of capitalism would recede. . . . ultra-imperialism would initially usher in an era of new hopes and expectations within capitalism.16 Western power is much more radically post-imperial, more internationalised and more thoroughly democratised (at least at the national level) than any of the competing centres. In this sense its moral claims, though internally contradictory in many senses (not least in the clash, currently accentuated, between American nationalism and European internationalism), are much stronger than those of major non-Western powers like Russia, China and India.17 The transformation of the West should not, however, be the sole or even main focus of imperial (or post-imperial) theory in contemporary IR. The political and military reach of Western-US world dominance is limited by the strength of other major independent centres. The prevalence of more or less imperial relations and forms within these other centres is as important today as it was during the Cold War. Formally, the Soviet system was not an empire but (like the West) an internationalised state bloc—an alliance, a defensive pact indeed of like- minded ‘progressive’ nations. In reality, of course, the quasi-imperial character of the Soviet state was its Achilles’ heel. Not only was Stalin’s USSR a reconstitution, in modern form, of the old Russian ‘prison of peoples’—the Soviet bloc laid a thin veneer of internationalism over imperial domination. With deep irony, given Communism’s claims to internationalism, elites in the national state apparatuses of Eastern Europe sought mainly to restrict their international organisation by the USSR and to expand their economic relations with the West, as means of both political independence and economic development. The end result was that it was the quasi-imperial Soviet bloc that collapsed, while the post-imperial West has (more or less) held together into the global era. Lest it be thought that this is of purely historic significance, consider the determinants of post-Soviet politics. As the wider bloc fell apart, the tensions of the old Russian empire re-surfaced, leading to the disintegration of the Soviet Union itself—and a pattern of conflicts that have continued ever since. Resistance to quasi-imperial relations of dominance, and their reassertion by central powers not only in Russia but in other republics, are at the heart not only of the Chechnya conflict but of other wars across the former Union since 1991. Political empire, even if not formally constituted, remains central to the contradictions of global-era international relations in this region. Nor is this a local phenomenon. Communist China, like Russia, was based on the reconstitution of historic empire. There were many echoes of imperial rule in the dictatorship of Mao Zedong, however much a modern totalitarian party and ideology gave them distinct characters. The godlike character of the emperor and the suppression of border regions (above all Tibet) were fairly traditional features. However, imperial power was indulged in terrible new ways, as earlier in Stalin’s Russia, such as the state-made famine of the ‘Great Leap Forward’ and the assault on the educated in the ‘Cultural Revolution’. In the hands of a totalitarian party, the modern multinational state could reconstitute an old empire in an extreme form of imperial power. Quasi-imperial relations and forms of power are not restricted, however, to the fading totalitarianisms of the 20th century. They remain general features of the non-Western state in the global era. Those who have tried to classify modern states, like Robert Cooper and Georg Sørenson, have termed the major non-Western states simply ‘modern’ or ‘Westphalian’.18 Western states have become ‘postmodern’ or ‘post- Westphalian’ and others, described by Cooper as ‘pre-modern’ and by Sørenson as ‘post-colonial’, do not reach the modern/Westphalian standard. However, none of these classifications has addressed the implications of the imperial character of ‘modern’ or ‘Westphalian’ states for analysing their trajectories. What passes for the modern state in the non-Western world today is best described as a quasi-imperial formation. Many large and medium-sized states are reconstitutions of historic pre-European or European empires. India today is a vast state ruling more people than belonged to the entire British empire in the mid-20th century. The gap between rich and powerful and the village poor is huge, and the centre disposes its armies to hold on to rebellious Kashmir, even to the point of risking nuclear war with Pakistan, in a way that reminds us of how European empires blundered to war in 1914. It is of more than polemical significance to suggest that the British Raj was not abolished but Indianised and Pakistanised by the new national elites.19 Similar phenomena can be found across the non-Western world, and their sharper forms are the key foci of many armed conflicts. Modern Turkey, which still cannot bring itself to acknowledge the Ottoman genocide of the Armenians in 1915, has pursued a residual imperial campaign against the Kurds. Indonesia, inheritor of the Dutch empire, has abandoned its murderous annexation of East Timor, but its army puts down rebellions in Aceh, Ambon and elsewhere. Quasi-imperial, revolutionary Ethiopia, under the Soviet ally Menghistu, fought a long war to keep Eritrea. Neither is ‘new empire’ the prerogative of such reconstituted old empires: in post-colonial creations—Iraq, for example— new elites have also forged quasi-imperial systems of domination of central states (and their ethnic-social constituencies) over other elements in the society. It is clear from these and many other examples that quasi-imperial relations of rule are central to world, regional as well as national politics in the global era. The new upsurge of democratic protest and the advance of human rights politics have actually heightened the importance of imperial cleavages. Democratic movements affect both the central and subordinate regions of quasi-imperial states, but it is among nationally oppressed populations that democratic tensions with central power are sharpest. 1989-91 in Eastern and Central Europe was not just a moment of democratic upheaval but of national resistance to the quasi-imperial Soviet bloc. In focusing as many have on the ‘velvet revolutions’ we have tended to neglect the violent repression and armed conflict that Central Europe narrowly escaped, and which have been the norm elsewhere. Where the democratisation of authoritarian states leads to conflicts with secessionist movements they are most likely to result in violence. Such crises may even accentuate the imperial character of the state, as in Yugoslavia, where the challenge of democratisation led the Milosevic regime to try to reconstitute an imperial Serbianised Yugoslavia, suppressing the rights of groups like the Kosovo Albanians. In this way, (re)imperialisation is a strategy for elites threatened by secession. The extent of the crisis in quasi-imperial relations has been deepened by the changing relationship of the West, especially the US, to local quasi- empires. Historically, the Cold War-West sustained many authoritarian and oppressive regimes, even seeming to license some of these as subimperialisms (as Fred Halliday referred to the Shah’s Iran).20 In the ending of the Cold War, the West has been more willing to countenance both democratic and secessionist movements, thus increasing the prospects of successful transformation. It remains to be seen how far the ‘war on terrorism’ has reversed this trend.21 Seen in this context of a much more widespread pattern of changing quasi-imperial relations, the reassertion of post-imperial Western power appears in a different light. Considered by some as a ‘new imperialism’, Western interventionism has been in turn a response to crises in the quasiimperial states of the non-West. Indeed, interventions have often responded to the appeals of oppressed groups, such as Bosnians, East Timorese and Kosovo Albanians. Western reluctance to intervene, even in clear cases of genocide like Rwanda, has been more widespread than interventionism. It is this context, and not only the humanitarian element in actual interventions, that renders suspect some of the simpler narratives of new imperialism.22

### 2AC Exec Flex

Israel won’t strike first – low confidence in damage capabilities and reduced U.S. support.

The Economist 13

[“Iran’s nuclear programme: Breakout beckons”, 6/22/13, http://www.economist.com/news/briefing/21579815-neither-irans-election-nor-sanctions-nor-military-threats-are-likely-divert-it-path]

A while ago, Israel wanted it to be thought that Iran would face attack if it gained the capability to build a nuclear weapon. That point was probably passed some years ago. Making a bomb depends on Iran’s ability to convert HEU into a metal sphere for the weapon’s core, to make a reliable detonator and then to create a warhead small enough to put on a ballistic missile, a process known as “weaponisation”. Mastery of the techniques required is not beyond Iran’s engineering capacity.¶ Western intelligence agencies used to reckon that Iran had suspended work on weaponisation in 2004. But after the IAEA published a report in November 2011, since when Iran has refused to allow the agency’s inspectors into the Parchin military research complex facility, that assumption has been challenged. In December 2011 Mr Jones estimated that Iran could produce an implosion-type device within two to six months, thanks in part to the help it is thought to have received from Vyacheslav Danilenko, a former Soviet nuclear weapons designer. North Korea is also believed to have given substantial technical help.¶ Israel subsequently came up with another red line that its then-defence minister, Ehud Barak, called the “zone of immunity”. This referred to the moment when Iran had enough centrifuges in the Fordow facility, which is impregnable to Israeli conventional weapons, to continue enrichment even after an attack. That line was probably crossed a year or more ago.¶ As Iran’s nuclear programme has advanced, Israel has become less confident of its ability, acting alone, to do more than temporary damage to it. Michael O’Hanlon of the Brookings Institution says that Israel might have attacked three or four years ago, but that it is less likely to do so now. Until last year Mr Netanyahu appeared to hope that if Israel struck first, America would be forced, whatever its initial reservations, to step in and use its greater military resources to finish the job. After being warned unmistakably by Mr Obama that he could not count on any such thing and that America would not be “complicit” in such an attack, Mr Netanyahu came perilously close to trying to influence the presidential election in favour of his friend, the more hawkish Mitt Romney.

#### The plan has no negative effect on the military – Boumediene should have already caused the link

ACLU 09 [American Civil Liberties Union]

(Brief Amicus Curiae of the American Civil Liberties Union in Support of Petitioners, www.americanbar.org/content/dam/aba/publishing/preview/publiced\_preview\_briefs\_pdfs\_09\_10\_08\_1234\_PetitionerAmCuACLU.authcheckdam.pdf)

The third Boumediene factor, the practical obstacles involved, again weighs more heavily in favor of these Petitioners than it did in Boumediene. In Boumediene, the Court acknowledged that recognizing habeas jurisdiction in domestic courts for Guantanamo detainees could impose some costs — both economic and non-economic — on the military. But it stressed that Boumediene did not pose the risks that the Eisentrager Court apparently perceived regarding 'judicial interference with the military's efforts to contain 'enemy elements, guerilla fighters, and "were-wolves,"' noting that although the detainees were "deemed enemies of the United States," who might be "dangerous ... if released," they were "contained in a secure prison facility located on an isolated and heavily fortified military base." Id. at 2261 (quoting Eisentrager, 339 U.S. at 784). In this case, allowing the Petitioners to assert their due process claim would add nothing, or virtually nothing, to the economic and procedural burdens that the Government already faces by virtue of the Petitioners' undeniable right to habeas corpus. Nor would it interfere with the military's activities against our enemies, since the United States does not even claim that the Petitioners are enemies — or, for that matter, that the military has any desire to continue to detain them. Finally, neither this case nor Boumediene raises the specter of "friction with the host government," because the United States is "answerable to no other sovereign for its acts on the "answerable to no other sovereign for its acts on the base." Id. at 2261. The Boumediene factors, then, show that recognizing the Petitioners' due process right to be free from indefinite arbitrary detention raises fewer and less substantial functional concerns (if any) than recognizing the Boumediene petitioners' habeas rights did. Nor do any other factors from the Court's extraterritoriality cases — such as the possibility of cultural or legal incompatibility between the right recognized and the location of the person asserting that right, see, e.g., Dowries, 182 U.S. at 282 — raise any significant obstacle to recognizing the due process right at issue here. Boumediene s anatysis thus compels the conclusion that the Petitioners are entitled to challenge their ongoing detention under the Due Process Clause.10

#### Review inevitable – now is better for flexibility

Wittes 08, Senior Fellow in Governance Studies at the Brookings Institution

(Benjamin, The Necessity and Impossibility of Judicial Review, https://webspace.utexas.edu/rmc2289/National%20Security%20and%20the%20Courts/Law%20and%20the%20Long%20War%20%20Chapter%204.pdf)

WE COME, then, to the question of what judicial review ought to look like in the war on terror if one accepts that it should exist more robustly than the administration prefers but should not be of an unbridled or general nature, as human rights advocates wish to see. The answer is conceptually simple, though devilishly complicated in operation: Judicial review should be designed for the relatively narrow purpose of holding the executive to clearly articulated legislative rules, not to the often vague standards of international legal instruments that have not been implemented through American law. Judges should have an expanded role in the powers of presidential preemption in the antiterrorism arena, for the judiciary is essential to legitimizing the use of those powers. Without them, the powers themselves come under a barrage of criticism which they cannot easily withstand. And eventually the effort to shield them from judicial review fails, and the review that results from the effort is more intrusive, more suspicious, and less accommodating of the executive's legitimate need for operational flexibility. Judges, in other words, should be a part of the larger rules the legislature will need to write to govern the global fight against terrorism. Their role within these legal regimes will vary-from virtually no involvement in cases of covert actions and overseas surveillance to extensive involvement in cases of long-term detentions. The key is that the place of judges within those systems is not itself a matter for the judges to decide. The judiciary must not serve as the designer of the rules.

### 2AC Politics

#### No conflict from economic decline – recession proves

Barnett, 09 – Senior Managing Director of Enterra Solutions LLC, Contributing Editor and Online Columnist for Esquire (Thomas P.M, “The New Rules: Security Remains Stable Amid Financial Crisis,” Aprodex, Asset Protection Index, 8/25/09 <http://www.aprodex.com/the-new-rules--security-remains-stable-amid-financial-crisis-398-bl.aspx>)

When the global financial crisis struck roughly a year ago, the blogosphere was ablaze with all sorts of scary predictions of, and commentary regarding, ensuing conflict and wars -- a rerun of the Great Depression leading to world war, as it were. Now, as global economic news brightens and recovery -- surprisingly led by China and emerging markets -- is the talk of the day, it's interesting to look back over the past year and realize how globalization's first truly worldwide recession has had virtually no impact whatsoever on the international security landscape. None of the more than three-dozen ongoing conflicts listed by GlobalSecurity.org can be clearly attributed to the global recession. Indeed, the last new entry (civil conflict between Hamas and Fatah in the Palestine) predates the economic crisis by a year, and three quarters of the chronic struggles began in the last century. Ditto for the 15 low-intensity conflicts listed by Wikipedia (where the latest entry is the Mexican "drug war" begun in 2006). Certainly, the Russia-Georgia conflict last August was specifically timed, but by most accounts the opening ceremony of the Beijing Olympics was the most important external trigger (followed by the U.S. presidential campaign) for that sudden spike in an almost two-decade long struggle between Georgia and its two breakaway regions. Looking over the various databases, then, we see a most familiar picture: the usual mix of civil conflicts, insurgencies, and liberation-themed terrorist movements. Besides the recent Russia-Georgia dust-up, the only two potential state-on-state wars (North v. South Korea, Israel v. Iran) are both tied to one side acquiring a nuclear weapon capacity -- a process wholly unrelated to global economic trends. And with the United States effectively tied down by its two ongoing major interventions (Iraq and Afghanistan-bleeding-into-Pakistan), our involvement elsewhere around the planet has been quite modest, both leading up to and following the onset of the economic crisis: e.g., the usual counter-drug efforts in Latin America, the usual military exercises with allies across Asia, mixing it up with pirates off Somalia's coast). Everywhere else we find serious instability we pretty much let it burn, occasionally pressing the Chinese -- unsuccessfully -- to do something. Our new Africa Command, for example, hasn't led us to anything beyond advising and training local forces. So, to sum up: No significant uptick in mass violence or unrest (remember the smattering of urban riots last year in places like Greece, Moldova and Latvia?); The usual frequency maintained in civil conflicts (in all the usual places); Not a single state-on-state war directly caused (and no great-power-on-great-power crises even triggered); No great improvement or disruption in great-power cooperation regarding the emergence of new nuclear powers (despite all that diplomacy); A modest scaling back of international policing efforts by the system's acknowledged Leviathan power (inevitable given the strain); and No serious efforts by any rising great power to challenge that Leviathan or supplant its role. (The worst things we can cite are Moscow's occasional deployments of strategic assets to the Western hemisphere and its weak efforts to outbid the United States on basing rights in Kyrgyzstan; but the best include China and India stepping up their aid and investments in Afghanistan and Iraq.) Sure, we've finally seen global defense spending surpass the previous world record set in the late 1980s, but even that's likely to wane given the stress on public budgets created by all this unprecedented "stimulus" spending. If anything, the friendly cooperation on such stimulus packaging was the most notable great-power dynamic caused by the crisis. Can we say that the world has suffered a distinct shift to political radicalism as a result of the economic crisis? Indeed, no. The world's major economies remain governed by center-left or center-right political factions that remain decidedly friendly to both markets and trade. In the short run, there were attempts across the board to insulate economies from immediate damage (in effect, as much protectionism as allowed under current trade rules), but there was no great slide into "trade wars." Instead, the World Trade Organization is functioning as it was designed to function, and regional efforts toward free-trade agreements have not slowed. Can we say Islamic radicalism was inflamed by the economic crisis? If it was, that shift was clearly overwhelmed by the Islamic world's growing disenchantment with the brutality displayed by violent extremist groups such as al-Qaida. And looking forward, austere economic times are just as likely to breed connecting evangelicalism as disconnecting fundamentalism. At the end of the day, the economic crisis did not prove to be sufficiently frightening to provoke major economies into establishing global regulatory schemes, even as it has sparked a spirited -- and much needed, as I argued last week -- discussion of the continuing viability of the U.S. dollar as the world's primary reserve currency. Naturally, plenty of experts and pundits have attached great significance to this debate, seeing in it the beginning of "economic warfare" and the like between "fading" America and "rising" China. And yet, in a world of globally integrated production chains and interconnected financial markets, such "diverging interests" hardly constitute signposts for wars up ahead. Frankly, I don't welcome a world in which America's fiscal profligacy goes undisciplined, so bring it on -- please! Add it all up and it's fair to say that this global financial crisis has proven the great resilience of America's post-World War II international liberal trade order. Do I expect to read any analyses along those lines in the blogosphere any time soon? Absolutely not. I expect the fantastic fear-mongering to proceed apace. That's what the Internet is for.

#### Boehner is reaffirming his hardline, no compromise strategy

Hooper, 10/4 (Molly K. Hooper, Peter Schroeder and Bernie Becker, 10/4/2013, “'This isn't some damn game'” [http://thehill.com/homenews/house/326605-boehner-rallies-his-troops-at-closed-door-conference)](http://thehill.com/homenews/house/326605-boehner-rallies-his-troops-at-closed-door-conference%29))

Speaker John Boehner (R-Ohio) rallied Republicans Friday at a closed-door conference meeting and did not talk about a possible “grand bargain” to end standoffs over the government shutdown and raising the debt ceiling.“This isn’t some damn game,” Boehner told reporters after the conference, angrily responding to reports that the White House thought it was winning the showdown. Lawmakers emerging from the meeting said Boehner told his colleagues they are locked in an “epic battle” with President Obama and Democrats on the shutdown, and vowed they would not "roll over."They said Boehner sought to hype up his conference a day after reports that the Speaker has told some members he would not allow the country to default and is willing to bring legislation to the floor that would depend on Democratic votes for passage. Speaking to reporters, Boehner continued the recent GOP strategy of casting Republicans as the party interested in talking, and blaming Democrats for stonewalling them. Obama and Senate Majority Leader Harry Reid (D-Nev.) have said that they're more than willing to discuss broader fiscal issues or changes to the president's health care law. What they won't do, top Democrats say, is hold those negotiations as part of talks to reopen the government or raise the $16.7 trillion debt ceiling. "I reminded the president the other night that he’s famous for saying, ‘Well, you know, in a negotiation, nobody gets 100 percent of what they want,'" Boehner said. "Not going to get it in this one either." Reports that Boehner could lean heavily on Democrats had unnerved some conservative Republicans who have often battled their Speaker, but GOP Rep. Tim Huelskamp (Ark.) left the meeting on Friday saying his conference was “incredibly unified.”Huelskamp, who lost his committee assignments for not voting with this party, said the GOP is “more unified since I've been here in 2 years and 9 months.” There were signs that centrist and conservative Republicans were rallying to Boehner's side. The House will vote Saturday on a bill to provide back-pay to federal workers furloughed in the shutdown, a move that could help win over some centrists who have been critical of their conference's strategy. Rep. Devin Nunes (R-Calif.), one of those critics, said Friday, "now that we're going, we've got to keep with the strategy." Republicans dimissed the suggestion that they would ever agree to Democratic demands for a "clean" government funding bill, or the White House demand that the debt limit be raised without conditions. Some GOP members said they would not even consider those ideas if they came with a commitment of future debt talks. "Isn't that great? Give me everything I want and then I'll talk to you," said Rep. Lee Terry (R-Neb.), dismissing that demand. "Come on. We're not that stupid." "We're not through negotiating, we're just through negotiating with ourselves," said Rep. Jeb Hensarling (R-Texas). The House will be in session Saturday to vote on new spending bills that would fund parts of the government, as well as hte bill that would provide back pay to furloughed federal workers once the shutdown ends. No votes are scheduled for Sunday. Polls have consistently shown more people blame Republicans than the White House for the shutdown, and the White House has adopted an increasingly confident stance in the showdown. The White House reiterated Friday that it would veto piecemeal spending bills, saying it was "not a serious or responsible way to run the U.S. government."

#### This is a GOP problem --- Obama is irrelevant

Sargent, 9/12 (Greg, 9/12/2013, “The Morning Plum: Senate conservatives stick the knife in House GOP leaders,” <http://www.washingtonpost.com/blogs/plum-line/wp/2013/09/12/the-morning-plum-senate-conservatives-stick-the-knife-in-house-gop-leaders/>)

All of this underscores a basic fact about this fall’s fiscal fights: Far and away the dominant factor shaping how they play out will be the divisions among Republicans. There’s a great deal of chatter (see Senator Bob Corker for one of the most absurd examples yet) to the effect that Obama’s mishandling of Syria has diminished his standing on Capitol Hill and will weaken him in coming fights. But those battles at bottom will be about whether the Republican Party can resolve its internal differences. Obama’s “standing” with Republicans — if it even could sink any lower — is utterly irrelevant to that question.

The bottom line is that, when it comes to how aggressively to prosecute the war against Obamacare, internal GOP differences may be unbridgeable. Conservatives have adopted a deliberate strategy of deceiving untold numbers of base voters into believing Obamacare will be stopped outside normal electoral channels. Central to maintaining this fantasy is the idea that any Republican leader who breaks with this sacred mission can only be doing so because he or she is too weak and cowardly to endure the slings and arrows that persevering against the law must entail. GOP leaders, having themselves spent years feeding the base all sorts of lies and distortions about the law, are now desperately trying to inject a does of reality into the debate by pointing out that the defund-Obamacare crusade is, in political and practical terms alike, insane. But it may be too late. The time for injecting reality into the debate has long since passed.

#### The aff saves Obama political capital and generates base support

Goldsmith and Wittes 9, Prof at Law School ex-assistant attorney general and senior fellow at Brookings

[12/22/09, Jack Goldsmith teaches at Harvard Law School and served as an assistant attorney general in the Bush administration. Benjamin Wittes, a former Post editorial writer, is a senior fellow at the Brookings Institution and the editor of "Legislating the War on Terror: An Agenda for Reform." Both are members of the Hoover Institution's Task Force on National Security and Law, “A role judges should not have to play”, http://articles.washingtonpost.com/2009-12-22/opinions/36890191\_1\_detention-policy-judges-judicial-system]

Congress has avoided these issues for a number of reasons. Initially, it was a combination of the Bush administration's failure to seek congressional help and lawmakers' natural inclination to avoid taking responsibility for hard decisions for which they might later be held accountable. More recently, the Obama administration has been loath to spend any more political capital than necessary in cleaning up what it views as its predecessor's messes. Instead of dealing with detention policy proactively, it has largely adopted the Bush approach of grinding out detention policy in the courts. Ironically, the president's political base seems to prefer his adoption of the Bush approach -- an approach liberals previously decried -- to any effort to write detention rules and limitations into statutory law.